

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re:

JASON RAY BOLES,
JENNIFER HOLLY BOLES,

Debtors.

Case No.: 10-17310-RGM

JASON RAY BOLES,
JENNIFER HOLLY BOLES,

Plaintiffs,

Chapter 13

v.

APN: 10-01463

SUNTRUST MORTGAGE, INC.,

Defendant.

CONSENT ORDER RESOLVING COMPLAINT TO
DETERMINE SECURED STATUS AND AVOID LIEN

The Motion of the parties for entry of a Consent Order with respect to Plaintiffs' Complaint to Determine Secured Status and Avoid Lien, on a lien claimed by Defendant, SunTrust Mortgage, Inc., against the aforesaid real property and improvements; and more particularly described as follows:

Melissa M. Watson Goode, VSB #73516
Jason L. Hamlin, VSB #46931
GLASSER AND GLASSER, P.L.C.
Crown Center, Suite 600
580 E. Main Street
Norfolk, VA 23510
(757)625-6787
Attorneys for SunTrust Mortgage, Inc.

ALL THAT certain lot, piece or parcel of land situate, lying and being in Rock Hill Magisterial District, of Stafford County, Virginia, and described as Lot 27, a resubdivision of Parcel One, Whitestone Subdivision, on plat of survey prepared by Larry N. Scartz, CLS, dated July 20, 1987, of record in Plat Book 14, Page 301, in the Clerk's Office of the Circuit Court of Stafford County, Virginia.

and it appearing otherwise proper; it is hereby ordered that:

1. That SunTrust Mortgage, Inc. is determined to be the holder of a second Deed of Trust lien;
2. The claim of SunTrust Mortgage, Inc. is deemed to be the holder of an unsecured claim in this case with regard to its second Deed of Trust lien which claim shall be treated as a general unsecured claim for distribution purposes under the Chapter 13 plan filed in this case;
3. The lien of SunTrust Mortgage, Inc. on the property arising from a certain Deed of Trust given by the Plaintiffs dated November 3, 2006 and recorded in the County of Stafford, Virginia shall be null and void and of no force and effect upon the successful completion of the Debtors' Chapter 13 plan and the entry of a final and non-appealable order of discharge pursuant to 11 U.S.C. Section 1328(a), and the Defendant shall within sixty days thereafter take such steps as may be needed to effect a release of its lien in the land records of the County of Stafford, Virginia.
4. In the event that the Plaintiff Debtors fail to receive a discharge in this case pursuant to 11 U.S.C. Section 1328(a) and/or in the event that the Plaintiff Debtors' Discharge is obtained in this case pursuant to any other section or provision of the Bankruptcy Code other than 11 U.S.C. Section 1328(a), including but not limited to, 11 U.S.C. Section 1328(b), and/or immediately upon conversion of this case to a case under any other Chapter of the Bankruptcy Code by the Plaintiff Debtors and/or in the event this case is dismissed, the provisions hereinabove set forth in this Order determining that the aforesaid second Deed of Trust lien held by the Defendant herein is deemed an unsecured claim and directing that said Deed of

Trust lien is to be released of record shall immediately be deemed null and void and said second Deed of Trust lien shall remain in full force and effect.

5. That in the event a lienholder senior to SunTrust Mortgage, Inc.'s second Deed of Trust lien forecloses upon said property prior to the successful completion of Debtors' Chapter 13 bankruptcy case and said foreclosure resulted in surplus funds, such surplus funds shall be forwarded to inferior lienholders in order of their priority and to the extent applicable to SunTrust Mortgage, Inc. to be applied to SunTrust Mortgage, Inc.'s lien that is the subject of this action.

ENTER this day of , 2010.

Judge

Notice of Judgment or Order entered:

We ask for this:

/s/ Nathan Dee Baney
Nathan Dee Baney, Attorney for Plaintiffs

/s/ Melissa M. Watson Goode
Melissa M. Watson Goode, Attorney for
SunTrust Mortgage, Inc.

Seen:

/s/ Thomas P. Gorman
Thomas P. Gorman, Trustee

CERTIFICATE

I hereby certify that the foregoing Consent Order was endorsed by or on behalf of all necessary parties herein.

/s/ Melissa M. Watson Goode

Melissa M. Watson Goode

PARTIES TO RECEIVE COPIES:

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Jennifer Holly Boles
93 Autumn Drive
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Melissa M. Watson Goode, Esquire (Via electronic transmittal)